



April 19, 2017

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Via E-mail

Re: OP Registrants' Request That Services Return Biological Evaluations to EPA

Dear Administrator Pruitt, Secretary Zinke and Secretary Ross:

CropLife America (CLA) writes in support of the requests from our members Dow AgroSciences, LLC, FMC Corporation, and Makhteshim Agan of North America, Inc. (d/b/a ADAMA) that the Environmental Protection Agency (EPA) withdraw from the National Marine Fisheries Services and U.S. Fish & Wildlife Services three organophosphate (OP) "biological evaluations" (BEs) that EPA sent to the Services on January 18, 2017. We understand that request was filed on April 13.

Established in 1933, CLA represents the developers, manufacturers, formulators and distributors of plant science solutions for agriculture and pest management in the United States. CLA's member companies produce, sell and distribute virtually all the vital and necessary crop protection and biotechnology products used by farmers, ranchers and landowners. Crop protection products are necessary to ensure safe, predictable and adequate supplies of food, fiber, and fuel. CLA members support science based regulation of pesticides to ensure that these

Representing the Crop Protection Industry

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products can be used without causing unreasonable adverse effects to either human health or the environment, including threatened and endangered species.

The case for the withdrawal of the BEs, and for the related actions the registrants have requested, is compelling. As the registrants have explained, the analysis the BEs present does not represent “the best scientific and commercial data available” that the Endangered Species Act (ESA) requires.

Equally important from CLA’s perspective, taking the requested actions will help to assure that EPA and the Services have adequate time to reconsider the “interim approaches” that preparation of the BEs have tested. It is time to call a halt to further efforts to implement those “interim approaches” and work together towards a sustainable approach to our common concerns.

The “interim approaches” were developed by the prior Administration as a purported test of the recommendations of the 2013 report of the National Academy of Sciences (“NAS”) *Assessing Risks to Endangered and Threatened Species from Pesticides*. But as applied to these BEs, the approaches ignored many of the NAS’s recommendations and were flawed from the start.

The interim approaches have failed to provide a meaningful path towards a tiered risk assessment that will lead to an efficient, effective means to fulfill EPA’s statutory obligations. Instead, they have created a process that does not screen and does not meaningfully assess risk, but instead threatens to remove from use valuable tools needed for production agriculture and public health, all while diverting resources away from more meaningful efforts towards species protection.

The initial release of the draft BEs confirmed these flaws, as many commenters (including CLA) told EPA. Yet, rather than responding to those comments and fundamentally revisiting the drafts (or the propriety of those approaches), two days before the prior Administration left office, EPA sent final versions of the BEs to the Services.

There likely are few better examples than this situation of the illogical and wasteful regulatory approaches that President Trump has committed to reform. The actions requested by the three OP registrants thus will not only allow these products to be evaluated under a far more appropriate regulatory approach, but demonstrate the seriousness of the Administration’s commitments. CLA and its member companies continue to advocate for an ESA review process that works towards protecting species from potential adverse effects of agricultural operations.

Sincerely,



Rachel G. Lattimore
Senior Vice President,
General Counsel and Secretary

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cc:

Mr. Ray Starling, Special Assistant to the President for Agriculture,
Trade and Food Assistance

Dr. Sheryl H. Kunickis, Director, Office of Pest Management Policy,
United States Department of Agriculture

Mr. Richard P. Keigwin, Jr., Acting Director, Office of Pesticide Programs,
Environmental Protection Agency

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